

## University Policy 2404: Trespass

**Category:** Community Expectations

**Subcategory:** Safety & Risk Management

**Covered Individuals:** University Employees, Students, and Visitors

**Responsible Executive:** Executive Vice President and Chief Operating Officer

**Policy Custodian:** Public Safety, Executive Director of Public Safety

**Last Revised:** 2025/11/04

**Previous USU Policy Number:** 543

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### 2404.1 PURPOSE AND SCOPE

This Policy implements Utah Code section 76-8-703: Criminal Trespass Upon an Institution of Higher Education and Utah Code 53H-3-304: Powers of Chief Administrative Officer to Order Individuals Off an Institution of Higher Education's Property. This policy governs the physical exclusion of individuals from Utah State University campuses, property, buildings, events, and activities.

### 2404.2 POLICY

#### 2.1 Scope of Policy

This Policy applies to all individuals present on [University Property](#), including employees, students, and any visitors are subject to this Policy.

#### 2.2 Exclusion from University Property

The University may exclude individuals from University Property by:

1. issuing a [Trespass Order](#), as set forth below in section 2.3;
2. posting signs reasonably likely to come to the attention of a trespasser;
3. fencing or otherwise enclosing University Property in manner that is obviously designed to exclude a trespasser;
4. notifying an individual that they cannot come onto University Property via notice of a temporary or final suspension or expulsion.

#### 2.3. Trespass Orders

##### 2.3.1 Authority

Pursuant to Utah law, the President, as the chief administrative officer, is authorized to order individuals to leave University Property. To ensure the safety and security of campus, the President delegates authority to the Chief of Police to issue and effectuate Trespass Orders. Further, the President delegates the Chief of Police with authority to designate members of the Utah State University Police Department with authority to act for the Chief of Police and order individuals to leave University Property and to

otherwise support the Chief of Police in effectuating this Policy. This designation and authority will remain in effect until such authority is rescinded by the University President.

### 2.2.2 Issuing a Trespass Order

**Verbal Trespass Order:** The President and the Chief of Police or their [Designee\(s\)](#) may verbally order an individual to leave University Property if there is reasonable cause to believe an individual intends to act to:

1. cause injury to a person;
2. cause damage to property;
3. commit a crime;
4. interfere with the peaceful conduct of the activities of the University;
5. violate any lawful university rule, policy, or regulation;
6. disrupt the University, its pupils, or the University's activities; or
7. is reckless as to whether the person's actions will cause fear for the safety of another.

When ordering an individual to leave University Property, the Chief of Police or their Designee(s) will:

1. identify themselves to the offending individual;
2. request that the offending individual identify themselves;
3. ascertain whether the offending individual is a member of the University community or the public;
4. explain that the individual is being trespassed from University Property, meaning that the individual may not return until the date stated on the forthcoming written Trespass Order; and
5. explain the consequences for failing to adhere to the Trespass Order, including that the individual will be in violation of Utah law and may be charged with a Class B misdemeanor for the first offense and a Class A misdemeanor for a second offense.

After issuing the Verbal Trespass Order, the Chief of Police or Designee(s) will draft a written Trespass Order. USU Police Department ("USU PD") will serve the Written Trespass Order to the offending individual within two (2) business days of the Verbal Trespass Order.

**Written Trespass Order:** Regardless of whether a Verbal Trespass Order has been issued to an offending individual, the Chief of Police or Designee(s) will issue a Written Trespass Order. At minimum, the Written Trespass Order will include:

1. the date on which the Verbal Trespass Order (if applicable) was issued;
2. the date on which the Written Trespass Order is effective;
3. the areas from which the individual is trespassed;
4. the actions committed by the individual that are the basis for the Trespass Order;
5. the date on which the Trespass Order will expire; and
6. an explanation of the individual's right of appeal and the process for doing so.

All Written Trespass Orders delivered by USU PD will be recorded through the USU PD reporting systems, and will be copied to the Vice President for Student Affairs if the offending individual is a student, the Provost and responsible Dean if the offending individual is faculty, and the responsible Vice President or Dean if the offending individual is an employee.

## 2.3 Right to Challenge

Any individual who is the subject of a Trespass Order may petition the University to lift the Trespass Order by demonstrating:

1. the Trespass Order was issued in conflict with university policy; or
2. the offending conduct giving rise to the Trespass Order is not likely to be repeated, or does

not otherwise present a disruption of safety concern to the University.

A written petition challenging a Trespass Order must be made in accordance with University Procedures 2404, and submitted to USU's Executive Director of Public Safety.

## 2.4 Criminal Prosecution

Individuals in violation of a Trespass Order under this Policy may be subject to criminal prosecution in accordance with Utah Code section 76-8-703. Nothing in this Policy limits the ability of the University to participate in the criminal prosecution of any individual in violation of applicable trespass laws.

## 2404.3 RESPONSIBILITIES

### 3.1 Chief of Police and University President

The University President and Chief of Police are responsible for issuing or overseeing the issuance of all Trespass Orders. The Chief of Police is further responsible for ensuring the issuance of such Trespass Orders are recorded and tracked, and ensuring that any appropriate University administrators received notice of the Trespass Orders.

### 3.2 Chief of Police Designee(s)

The Chief of Police's Designee(s) are responsible for issuing a Verbal Trespass Order (if applicable), drafting a Written Trespass Order, and notifying USU PD for it to be issued, reported, and tracked. Additionally, if designated, the Designee can also ensure that any appropriate University administrator receive notice of the Trespass Orders that are issued.

### 3.3 Individuals

All University employees, students, and all visitors to the University or any University Property are responsible for complying with this Policy.

## 2404.4 REFERENCES

- [Utah Code Section 53H-3-304](#)
- [Utah Code Section 76-8-703](#)

## 2404.5 DEFINITIONS

- **Designee:** refers to the individual who the Chief designates his authority and responsibilities to, which can be revoked at any time by the Chief.
- **Trespass Order:** refers to an official directive, verbally or in written form, from the Chief or a Designee to an offending individual to leave and remain off of University Property.
- **University Property:** refers to any University facility or property, physical or virtual, owned, operated or controlled by the University, including without limitation University learning management systems, residential campuses, regional campuses, University centers, farms.
- **Verbal Trespass Order:** a Trespass Order that is issued verbally, and followed up with a Written Trespass Order, pursuant to Section 2.2.2. in this Policy.
- **Written Trespass Order:** a Trespass Order that is written and issued pursuant to Section 2.2.2 in this Policy.

Information below is not included as part of the contents of the official policy. It is provided only as a convenience for readers/users and may be changed at any time by persons authorized by the president.

## RESOURCES

### Contacts

- [Interim Chief of Police, Erik Christensen](#)
- [Executive Director of Public Safety, Ellis Bruch](#)

## POLICY HISTORY

Original issue date: 2024/04/04

Last revision date: 2025/11/04

Next scheduled review date: 2026/01/01

Previous revision dates: N/A

This policy is codified as Utah Administrative Rule R813-3 Trespass effective 10/22/2024.